



Court of Appeal of the State of California Fourth Appellate District, Division Three

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O.C. APPEALS: AN OVERVIEW

Welcome to the Court of Appeal!

Here are some basics about appellate practice in Orange County, with some tips about how you can get additional help. For more information, see “**O.C. APPEALS—A DETAILED GUIDE**,” a 40-page pamphlet, which you can download from our website. See <http://www.courtinfo.ca.gov/courts/courtsofappeal/4thDistrictDiv3/forms.htm>

◆ **THE CLERK’S OFFICE**

- Our telephone hours are from **8 a.m. to 5 p.m.**
- Our filing window is open from **8 a.m. to 4 p.m.** We do not have a drop box for after hours filing. Sorry, but we cannot accept fax filings or e-mailed documents.
- We only accept filings for appeals and writs arising from the Orange County Superior Court. For San Diego County appeals, contact the Fourth District, Division One, at 750 “B” Street, Suite 300, San Diego, CA 92101, (619) 645-2760. For Riverside and San Bernardino County appeals, contact Division Two, at 3389 12th Street, Riverside, CA 92501, (951) 248-0200.
- Call or visit our clerk’s office about the status of an appeal, or about our appellate procedures. Try to know your “G number” (the seven digit appellate court number, beginning with the prefix “G0”). **Remember that the clerk’s office is not allowed to practice law or give legal advice.**
- You (or your copy service) may view documents and briefs in pending cases

at the clerk’s office. There also is a pay copier available for your use, at a cost of 25¢ per page.

- Old appeals are located in an off-site storage facility, and may take approximately 7 to 15 days to retrieve. You must make a written request, including your contact information, and pay in advance for the retrieval costs (\$25 per box).
- Appellate procedures differ greatly from the trial court practice. Motions, for example, are not blue-backed, and there are no special filing fees. Check the appellate rules carefully, or ask us.

◆ **GET CONNECTED TO A CASE**

You may sign up to receive automatic e-mail notifications about a specific case in our court by using this link: <http://appellatecases.courtinfo.ca.gov/email.cfm?dist=43>

The **California Appellate Courts Case Information System** (see <http://appellatecases.courtinfo.ca.gov/>) provides case information for appellate cases. You can view a case summary and docket. Juvenile records are not available as they are considered confidential. Case

information is updated once an hour throughout the business day.

◆ ORAL ARGUMENT

We normally hold oral argument in the **third** full week of every month. Attorneys and self-represented litigants should appear no later than 9:00 a.m. and 1:00 p.m. to check in with the clerk.

◆ WHAT'S ON OUR WEBSITE?

Our website is located at <http://www.courtinfo.ca.gov/courts/courtsofappeal/4thDistrictDiv3/>. It contains a wealth of information about the court. This includes:

- published opinions from the last 24 hours, and from the last 120 days
- detailed case information (including dockets, list of attorneys, and scheduled actions) on appeals before the court.
- our oral argument calendars
- downloads, including local court forms <http://www.courtinfo.ca.gov/courts/courtsofappeal/4thDistrictDiv3/forms.htm>
 - Civil Case Information Statement (CCIS)
 - Settlement Conference Information Form (SCIF)
 - Certificate of Interested Entities or Persons
 - Application for Extension of Time to File Brief – Civil (APP-006)
 - Stipulated Request for Dismissal
 - Notice of Settlement

- brochures about appellate practice, including this handout (with clickable links), settlements & more.

- biographies of our eight justices <http://www.courtinfo.ca.gov/courts/courtsofappeal/4thDistrict/justices.htm>
- our internal operating practices and procedures <http://www.courtinfo.ca.gov/courts/courtsofappeal/4thDistrictDiv3/iopp.htm>
- frequently asked questions about us <http://www.courtinfo.ca.gov/courts/courtsofappeal/4thDistrictDiv3/faq.htm>
- our history <http://www.courtinfo.ca.gov/courts/courtsofappeal/4thDistrictDiv3/about.htm>
- directions to the court <http://www.courtinfo.ca.gov/courts/courtsofappeal/4thDistrictDiv3/location.htm>
- a 40-page guide to our procedures “**O.C. APPEALS—A DETAILED GUIDE**” See <http://www.courtinfo.ca.gov/courts/courtsofappeal/4thDistrictDiv3/forms.htm>

◆ WANT TO KNOW MORE?

- Here's a link to a general pamphlet about the California Court of Appeal - <http://aocweb.jud.ca.gov/reference/documents/ctappbro.pdf>
- The California appellate rules are contained in the California Rules of Court (CRC), mostly in Title 8. You may find them online at <http://www.courtinfo.ca.gov/rules/>.

◆ SCHEDULE OF FEES

DOCUMENT	FILING FEE
Petition for Writ of Mandate, Prohibition or Certiorari (<i>except for criminal, juvenile and WCAB</i>)	\$655
Petition for Writ of Review involving Agriculture Labor Relations Board; Public Employees Relation Board; Public Utilities Commission; and Alcoholic Beverage Control cases	\$655
Petition for Writ of Review resulting from contempt proceedings	No fee
Petition for Writ of Review in Workers Compensation Appeals Board cases	No fee
Petition for Writ of Supersedeas (<i>must have previously filed notice of appeal in superior court</i>)	No fee
Petition for Writ of Habeas Corpus	No fee
Petition to Transfer (Cal. Rules of Court, rule 8.1008(b))	No fee
Certification of Documents (per certificate)	\$1
Copying opinions (<i>if not a party to appeal; per opinion</i>)	\$3
Transmittal of Records from State Records Center (per box)	\$25
Appellate Briefs	no fee
Motions / Oppositions	no fee

◆ BRIEFS: How to File & Serve

TYPE OF DOCUMENT	COVER	TO FILE:	TO SERVE:
Appellant's Opening Brief – Civil	Green	Original plus 4	Superior Court All parties Calif. Supreme Court (<i>4 copies</i>)
Joint Appendix	White	Original	All parties (<i>use no more than 300 pages per volume</i>)
Appellant's Appendix	Green	Original	All parties (<i>use no more than 300 pages per volume</i>)
Appellant's Opening Brief	Green	Original	Superior Court District Attorney

Criminal		plus 4	Attorney General Appellate Defenders, Inc. Defendant
Appellant's Opening Brief Dependency	Green	Original plus 4	Superior Court County Counsel Counsel for Minor(s) Appellate Defenders, Inc.
Respondent's Brief – Civil	Yellow	Original plus 4	Superior Court All parties Calif. Supreme Court <i>(4 copies)</i>
Respondent's Appendix	Yellow	Original	All parties <i>(use no more than 300 pages per volume)</i>
Combined Respondent's Brief /Cross-Appellant's Opening Brief	Yellow	Original plus 4	Superior Court All parties Calif. Supreme Court <i>(4 copies)</i>
Respondent's Brief – Criminal	Yellow	Original plus 4	Superior Court Counsel for Appellant Appellate Defenders, Inc. Defendant
Respondent's Brief – Dependency	Yellow	Original plus 4	Superior Court Counsel for Appellant Counsel for Minor(s) Appellate Defenders, Inc.
Appellant's Reply Brief –Civil	Tan	Original plus 4	Superior Court All parties Calif. Supreme Court <i>(4 copies)</i>
Appellant's Reply Appendix	Tan	Original	All parties
Combined Appellant's Reply Brief / Cross-Respondent's Brief	Tan	Original plus 4	Superior Court All parties Calif. Supreme Court <i>(4 copies)</i>
Appellant's Reply Brief –Criminal	Tan	Original plus 4	Superior Court District Attorney Attorney General Appellate Defenders, Inc.

			Defendant
Appellant's Reply Brief – Dependency	Tan	Original plus 4	Superior Court County Counsel Counsel for Minor(s) Appellate Defenders, Inc.
Amicus Curiae Brief	Gray	Original plus 4	Superior Court All parties
Post-Briefing Citation of Additional Authorities	No Cover	Original plus 4	All parties
Petition for Rehearing	Orange	Original plus 4	Same as for briefs
Answer to Petition for Rehearing	Blue	Original plus 4	Same as for briefs <i>(Note: Under Misc. Order #2007-03, opposing parties are automatically invited, but not required, to file an answer to a petition for rehearing. (CRC 8.268(b)(2).)</i>

♦ WRITS: How to File & Serve

TYPE OF DOCUMENT	COVER	TO FILE:	TO SERVE:
Petition for Writ	Red	Original plus 4	Superior Court All parties
Exhibits to Petition for Writ	Red	Original only	All parties <i>(exhibits need not be served on Superior Court; use no more than 300 pages per volume)</i>
Informal Response (Preliminary Opposition)	Red	Original plus 4	Superior Court All parties
Return or Answer to Petition	Red	Original plus 4	Superior Court All parties
Reply to Return or Answer to Petition	Red	Original plus 4	Superior Court All parties
Petition for Writ of Habeas Corpus -	Red	Original	Superior Court Attorney General

filed by attorney for party		plus 4	District Attorney
Petition for Writ of Habeas Corpus - filed by unrepresented party	Red	Original	Superior Court Attorney General District Attorney
Petition for Writ of Mandate – Juvenile Dependency	Red	Original plus 4	Superior Court County Counsel All parties <i>See Rule 8.452(d) and Rule 8.456(d) for additional service requirements</i>
Petition for Writ of Review – Workers' Compensation	Red	Original plus 4	2 copies on WCAB - San Francisco All parties

◆ MOTIONS: How to File & Serve

Type of Document	Cover	To File:	To Serve:
All motions (do <i>not</i> include in your brief)	None	Original plus 3	All parties
All oppositions to motions	None	Original plus 3	All parties
Requests for Judicial Notice (do <i>not</i> include in your brief)	None	Original plus 3	All parties
Stipulated Request for Reversal of Judgment	None	Original plus 3	All parties; All Clients (<i>need not include clients' addresses on proof of service</i>)

◆ APPLICATIONS & OTHER DOCUMENTS: How to File & Serve

TYPE OF DOCUMENT	COVER	TO FILE:	TO SERVE:
Notice of Settlement (Cal. Rules of Court, rule 8.244); Abandonment of Appeal; Request for Dismissal	None	Original	All parties; Superior Court (<i>if record on appeal has not been filed.</i>) Telephone the clerk's office if oral argument has been set
Stipulation to Extend Time on Briefing	None	Original	All parties All Clients (<i>need not include addresses on</i>

			<i>proof of service)</i>
Application for Extension of Time – Civil	None	Original plus extra copies for order	All parties (<i>include stamped, addressed envelopes for each party</i>) Client(s) of party requesting extension (<i>need not include addresses on proof of service</i>)
Application for Extension of Time – Criminal	None	Original plus extra copies for order	All parties (<i>include stamped, addressed envelopes for yourself; none needed for Attorney General or Appellate Defendants</i>)
Oral Argument Request / Waiver	None	Original	All parties
Request to Continue Oral Argument	None	Original	All parties (<i>must indicate opposing party's position</i>)
<i>Pro Hac Vice</i> (Cal. Rules of Court, rule 9.40(c)(2))	None	Original plus 3	All parties State Bar of California (<i>at SF office</i>)
Substitutions - Attorney or Party	None	Original plus 1	Superior Court (<i>for attorney substitutions</i>); All parties
Attorney's Request to Withdraw (Cal. Rules of Court, rule 8.36(c))	None	Original	Attorneys directly affected Requesting Attorney's Client (<i>need not include address</i>)
Request for Publication of Unpublished Opinion	None	Original plus 3	All parties to appeal (<i>any person may make request, including nonparties</i>)
Civil Case Information Statement (CCIS)	None	Original	All parties
Settlement Conference Information Form (SCIF)	None	Original plus 1	Optional on other parties (<i>document is confidential with court</i>)
Certificate of Interested Entities or Persons	None	Original	All parties (<i>include a copy of the certificate in your principal brief after the cover and before the tables.</i>)
Change of Address	None	Original	All parties